MR. R. M. STATHAM (*Director of Public Instruction*) : I second it.

The Motion was carried.

DEPUTY PRESIDENT : Mr. R. Nilacanta Pillai is appointed as a member of the Select Committee.

THE TRAVANCORE BREACH OF CONTRACT (REPEALING) BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I rise to introduce a Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the Criminal Law. The Bill has been published in the Gazette with a Statement of Objects and Reasons and I beg to move that the Bill be read in the Assembly.

RAO SAHIB DR. N KUNJAN PILLAI (*Chief Secretary to Government*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The object of this Bill is to repeal certain enactments which provide for punishment of breaches of contract by labourers. There are two enactments that are in force in Travancore. One is Regulation II of 1080, as subsequently amended as Regulation V of 1087 which provides for the punishment of certain breaches of contract committed by artisans, labourers and other workmen. The other is the Penal Code. Sections 493 and 495 provide for the punishment of certain breach of contract. I trust there is no necessity to read all these provisions as we are already getting too late. In British India they had enactments corresponding to these and they have repealed them by Act II of 1925. The International Labour Conference has also expressed the view that forced or compulsory labour should, as a rule, be abolished as early as practicable and this principle has been generally accepted in British India. The enactments referred to are in spirit against the convention adopted by the International Labour Conference. I may add that in the sister State of Mysore also they took steps to repeal this and have done so by Act IV of 1933. The Breach of Contract Regulation was passed in Travancore generally speaking, in support of the planting community. Therefore the views of Mr. Lampard was ascertained and he has written that there is no objection to the proposed Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I wish to add a few words in support of the principle of this Bill. I do appreciate this measure. But this piece of legislation ought to have been undertaken long long ago. The International Labour Office, as long ago as 1930, in their report had been finding fault with certain Indian States for keeping these laws in the Statute Books. Sir, I think that this piece of legislation remained in our Staute Book so long because we were not very vigilant with regard to the removal of this legislation which has ceased to be of use from a very long time. The very fact that this law was repealed in British India in 1925 and that we are in the year 1935

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[Mr. K. Kunjukrishna Pillai]

and now attempting to repeal the Act shows how far behind we are in the matter of labour legislation. While I warmly support the principle of the Bill I strongly deprecate the delay in the repeal-

DEPUTY PRESIDENT: That does not arise now.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I very seriously bring to the attention of the Law Member especially and to the Government the necessity of bringing Travancore into line with British India in the matter of labour legislation. It may be asked why the non-official members could not bring up a Bill. But we know the difficulty of non-official members in bringing a Bill and getting it passed in the House.

DEPUTY PRESIDENT: They are all regulated by rules on which the member cannot comment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The rules, as they stand at present.....

DEPUTY PRESIDENT: The difficulty of non-official members in bringing up Bills before the House is not a measure now before the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): That is the reason why I request Government to take up similar labour legislations which have been brought about in British India. I wish that Travancore should fall into line with British India in these matters.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, ഈ ബില്ലിനെ അനുകൂലിക്കുന്നതിൽ എനിക്കു വളരെ സന്തോഷമുണ്ട്. ഇങ്ങനെ ഒരു ബിൽ വളരെക്കാലത്തിനുമുമ്പുതന്നെ അവതരിപ്പിക്കേണ്ടതായിരുന്നു. ഈ പതനത്തിലെങ്കിലും ഇതു കൊണ്ടുവന്നതിൽ സന്തോഷിക്കുതന്നെ വേണം.

DEPUTY PRESIDENT: Please avoid repetition. That point has been mentioned.

MR. N. E. VARUGHESE (*Tiruvalla I*): ലാമെമ്പർ പ്രസ്താവിച്ച ഒരംഗത്തിയെ സംബന്ധിച്ചുഎനിക്കു ചിലതു പറയുവാനുണ്ട്. യൂറോപ്യൻപ്ലാന്റേർസിന്റെ ആവശ്യത്തിനായി നിർമ്മിതമായ ഒരു ചട്ടമാണു ഇതുഎന്നുംഇപ്പോൾ യൂറോപ്യൻ പ്രതിനിധിയായ മി. ലാംബാർഡിനോടു ചോദിച്ചതിൽ ഈ ചട്ടം റദ്ദാക്കുന്നതിൽ അദ്ദേഹം യാതൊരു തടസ്സവും പറഞ്ഞില്ലെന്നും ലാമെമ്പർ പ്രതിപാദിച്ചു. അങ്ങിനെയാണെങ്കിൽ മി. ലാംബാർഡ്ഇതിനു സമ്മതംനൽകാതിരുന്നുവെങ്കിൽ ഇങ്ങനെ ഒരു ബിൽ ഗവണ്മെന്റു അവതരിപ്പിക്കുമായിരുന്നൊ എന്നു ഞാൻ സംശയിക്കുന്നു.

DEPUTY PRESIDENT: You are raising unnecessary difficulties. The Law Member did not say that. The opinion of Mr. Lambard was taken because he represented the Planting Community. It does not mean that if he expressed a different opinion it will not be taken. All that does not arise.

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MR. N. E. VARUGHESE (*Tiruvalla I*): ഞാനെന്നുടെ പ്രസ്താവന യെ അടിസ്ഥാനപ്പെടുത്തി എനിക്കുള്ള അഭിപ്രായത്തെ പറയുകയാ ണ് ചെയ്തത്.

DEPUTY PRESIDENT: I say that was not the meaning. So you must be satisfied.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഏതായാലും ഇതിനേപ്പ റ്റി കൂടുതലായി ഒന്നും പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): I have great pleasure in supporting the principle of the Bill. The Law Member said that this Bill has been framed in the spirit of some conventions of the International Labour Conference. I want to know whether it is in pursuance of a general policy under which Government are going to adopt all the conventions adopted by the International Labour Conference or whether this piece of legislation is only an isolated piece without reference to others in contemplation.

DEPUTY PRESIDENT: I do not think the Law Member should give an answer to that. To say that all the principles will be accepted will be going far beyond the requirements of the present Regulation.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): I want only to elicit information from the Law Member as to whether this piece of legislation is in pursuance of the conventions of the International Labour Conference.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I rise to a point of order. At the time of the discussion of the principle of the Bill, can we enquire about the general principle of the legislation?

DEPUTY PRESIDENT: I have already said, Mr. Karayalar, that the principle may be left to itself. I think that does not arise when we consider this Bill.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, on a point of personal explanation. The Law Member made a reference to the convention of the International Labour Conference. That is why I referred to them and wanted him to throw some light upon the question as to whether there is any general policy behind the Bill.

DEPUTY PRESIDENT: If all those rules are to be referred, Halsbury's principles also should be taken into consideration. I can quite understand Mr. Karayalar's point. If the Law Member in the course of his speech wants to refer to it I do not want to prevent him.

MR. M. SIVATANU PILLAI (*Tovala*): In supporting the Bill I greatly wish that the House should give permission to the second and third reading of the Bill in this sitting itself. We have heard from the Law Member that an Act of this kind was repealed in British India as early as 1925 *i. e.* 10 years ago, and in Mysore in the year 1933. So it is not a matter for our own congratulation that this Bill has been introduced here at this late period. I wish the House should understand the implications of the Breach of Contract Bill.

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DEPUTY PRESIDENT : There is one technical difficulty. The House has not yet confirmed the principle of the Bill. However, suggestions can come after that. Will you please wait till that? Only the principle of the Bill is being discussed now. You may make that suggestion after the principle has been affirmed.

MR. M. SIVATANU PILLAI (*Tovala*): It is only by way of strong advocacy. Imagine for a moment the condition in a far off village where poor families are living together without knowing or understanding the real conditions that are obtained in the estates—tea or rubber. One fine evening the broker or kankani slowly and stealthily creeps into the village, induces them, gives them high hopes, and those families are transported with their kit and children and the poor families are taken away to toil in the estates. In some cases the poor families are illiterate and they are duped and their thumb impresion or their four strokes for signature are taken in the document which may subsequently be produced in a court of law as a contract said to have been entered between the family and the estate. Either on account of the difficulties in the estates or on account of sheer physical inability they do not fulfil the conditions in the contract, and they are taken to a court of law for breach of contract. I have seen, Sir, the pathetic sight of these poor creatures in the premises of the Magistrate's Courts particularly in South Travancore. They are threatened with intimidation if they do not offer themselves to work in the plantations or they are meted out punishment such as fine, attachment of their movables etc., sometimes even imprisonment.

This repeal would naturally be going a great way to their relief and what I would urge upon this House is not only to allow its introduction but to have the second and third reading of the Bill also just now.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) In supporting the principle of this Bill I agree with my learned friend Mr. Kunjukrishna Pillai in submitting that all questions of labour legislation should be taken up by Government and the legislation brought into line with other progressive legislative enactments in other civilised countries. The only enactment that we have got on this subject is Regulation V of 1089. It is now 31 years old. Since then the amelioration of the condition of the labouring classes by legislative measures has engaged the attention of British Indian Statesmen and the existing laws have been amended to suit the needs of altered circumstances. The Whitely Commission Report has made various recommendations for the improvement of the condition of the labouring classes and I understand that a Bill has now been introduced in the Indian Legislative Assembly on the lines of the recommendations of that Commission. The Bill, now before us, touches only the outer fringe of this great problem. Therefore I hope the Law Member will see his way to take up the whole question of labour legislation into consideration and before long bring in a Bill at least on the

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lines of the Whitely Commission recommendations and thus bring the legislation on the subject into line with British India. In this hope I support the principle of this Bill. The question that the principle of the Bill be accepted was put to vote and unanimously carried.

The Secretary read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, in view of certain observations made by Honourable members in the course of the debate, I am inclined to request the Chair to suspend the rules of business and allow the second reading of the Travancore Breach of Contract (Repealing) Bill at once.

DEPUTY PRESIDENT : I suspend the ordinary rules of procedure in order to facilitate the passing of this Bili.

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move that the Travancore Breach of Contract (Repealing) Bill be now taken into consideration.

MR. R. M. STATHAM (*Director of Public Instruction*) : I second it.

The motion was carried.

DEPUTY PRESIDENT : The House will consider the Bill clause by clause.

Clause 1.

The question that clause 1 of the Bill shall stand part of the Bill was put to vote and unanimously passed.

Clause 1 was added to the Bill.

Clause 2.

The question that clause 2 shall stand part of the Bill was put to vote and unanimously passed.

Clause 2 was added to the Bill.

SCHEDULE TO THE ENACTMENT.

The question that the schedule to the enactment shall standpart of the Bill was put to vote and unanimously passed. The schedule was added to the Bill.

PREAMBLE.

The preamble was put to vote of the House and passed. The preamble was added to the Bill.

TITLE.

The title was also put and carried.

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*) : I now proceed to the third reading of the Bill and before I do it I make a formal motion. I move an amendment to clause 1, sub clause (2) in which it is laid down "it shall come into force on....." In place of 'on' I move to substitute the words 'at once',

MR. R. M. STATHAM (*Director of Public Instruction*) : I second it.

MR. M. SIVATANU PILLAI (*Tovala*) : I heartly support the amendment.

The amendment was put to vote and carried.

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MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill as amended be now passed.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

DEPUTY PRESIDENT: The Bill is passed.

THE TRAVANCORE JENMI AND KUDIYAN REGULATION (AMENDMENT) BILL

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce the Travancore Jenmi Kudiyan Regulation Amendment Bill. It has been published in the Gazette with a Statement of Objects and Reasons, and I now beg that the Bill be read in the Assembly.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall now briefly explain the principles of the Bill. As Honourable members are aware the Jenmi Kudiyan Regulation recently underwent many detailed and elaborate amendments and it has been put into working. In the actual working it has been found that there are certain deficiencies in the law as passed then. The object of the Bill is to make provisions for removing those deficiencies. The first amendment now proposed is in respect of section 3 clause (15) of the Regulation which defines what a settlement pattom is for purposes of the Regulation. The settlement pattom is defined in section 3, clause (15) as follows :—

> (15) "Settlement pattom" in respect of a jenmom land means the pattom fixed by Our Government for the Land Revenue purposes at a general Revenue Settlement and includes also the proportionate pattom chargeable on each portion of a land wherever the land is divided for any reason".

It will be noticed that according to the definition given in the Regulation as amended a settlement pattom is one that has *actually* been fixed by Government. But it has been found that there are some very rare cases where Government did not as a matter of fact assess a settlement pattom. That gave some difficulty because we cannot find out what the settlement pattom in respect of the land is because the Government themselves did not assess any pattom. To meet this difficulty the present amendment is proposed in clause 2. The principle of that amendment is that what Government would have fixed as the settlement pattom if the land had been assessed to pattom at the said settlement should be taken as the settlement pattom.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know from the member the approximate number of such cases?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Such case are only very few. There are some cases in the Vanjipuzha Edavagai.

The next amendment, and that is the chief amendment in this Bill, is in respect of cherikal lands and in relation to jenmikaram of

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